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THE WHITE HOUSE

WASHINGTON ,

May 14, 1973

MEMORANDUM FOR: MEMBERS OF THE INTERAGENCY
CLASSIFICATION REVIEW COMMITTEE

FROM: RICHARD C. TUFARO

SUBJECT: EXAMPLES OF DEPARTMENTAL
INITIATIVES IN DEALING WITH
CLASSIFICATION ABUSES

Enclosed are several items which may be of interest in developing departmental policies and procedures for dealing with classification abuses as defined in our Quarterly Report. These items include:

1. A form warning notice utilized by the United States Information Agency.
2. A copy of a portion of the Minutes of the AID Security Information Committee Meeting on December 6, 1972 with an indication of the sanctions applied against classifiers for classification abuses.

Some departments and agencies have taken very positive steps to ensure that all employees and, in particular, all classifiers are advised of possible sanctions for classification abuses. In addition, routine procedures for administering letters of caution or warning notices are utilized to expedite departmental action and to ensure fair treatment to all employees.

UNITED STATES INFORMATION AGENCY

WASHINGTON 20547



Dear

Subject: Warning Notice (Abuse of Classification/Declassification Policy)

A review of the document identified below has disclosed abuse of the Agency's Classification/Declassification policies. The specific abuse charged is checked on the enclosed copy of Agency Announcement dated February 5, 1973, "Cautions Concerning Classification and Declassification of National Security Information and Material (Executive Order 11652)."

A record of this abuse will be included in a quarterly report to the National Security Council, however, will not be forwarded for inclusion in the addressee's permanent personnel file. Subsequent abuses charged may result in recommendations for disciplinary action following the procedures established for Security Violations found in 5 FAM 994.4-2

Document:

Type:

Series-Number:

Date:

From:

To:

Subject:

Classification:

Declassification Category:

Identity of highest level approving official:

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(Under provisions of Executive Order 11652 and implementing directives of the National Security Council, the highest level official who signs or finally approves a document containing classified information shall be deemed to be the classifier, and shall be held accountable for the propriety of classifications attributed to him.)

Sincerely,

Robert D. Barber, Chairman
Council on Classification Policy
(Assistant Director (Security))

Enclosure:

Copy of Agency Announcement

U.S. INFORMATION AGENCY
WASHINGTON, D.C.

ANNOUNCEMENT
February 5, 1973

CAUTIONS CONCERNING CLASSIFICATION AND DECLASSIFICATION OF
NATIONAL SECURITY INFORMATION AND MATERIAL (EXECUTIVE ORDER 11652)

Circular 405D & 408F explains the requirements for establishing a Data Index System (DIS) for the control of classified materials. It lists the objectives to be obtained and the manner in which it is to be accomplished within the Agency.

Under the provisions of Executive Order 11652 and its implementing National Security Council directives, the Agency also must review all of the classified material forwarded to the DIS for compliance with the procedural requirements for the classification and declassification of national security information. Based on this review, a quarterly report is submitted to the Interdepartmental Classification Review Committee of the National Security Council listing not only the number of abuses, but their nature and the names of the individuals held responsible for them.

To assist you in complying with the Executive Order, its provisions have been reviewed and a list of possible common abuses compiled. Appropriate paragraph references of uniform State/AID/USIA Security Regulations, 5 FAM 900, are added after the abuses listed below for your convenience.

Careful review of classified material originating in your section can preclude these abuses and allow us to avoid the embarrassment of reporting deficiencies to the Interdepartmental Committee.

POSSIBLE COMMON ABUSES (see referenced paragraphs 5 FAM 900 for details of proper procedures.)

1. Unnecessary or over-classification. (913)
2. Approving official not identified. (913.2)
3. Approving official not authorized to assign classification. (912)
4. No downgrading or declassification marking. (931)
5. Downgrading or declassification marking improperly applied. (931)
6. Accelerated Declassification Schedule - No automatic declassification date or event. (931 b)

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7. General Declassification Schedule - Incorrect or no date for declassification. (931 a)
8. Exemption category not cited. (924)
9. Official approving exemption does not have Top Secret authority. (924)

(Although the Agency was not authorized to classify material Top Secret, an amendment to the Executive Order authorized the following officials to exempt classified material from the General Declassification Schedule: the Director, Deputy Director, Deputy Director (IOP), Associate Director (IOR), Assistant Directors IAA, IEA, IEE, ILA, INE, ISA, IWE, and IOS.)

10. Transmittal document improperly marked. (931.5)

DISTRIBUTION: B - Overseas Supervisory Level
Y - Domestic Supervisory Level

Mr. Tennant then stated that in the interest of maintaining the momentum which ASIC has developed to date, he felt the Committee should focus on some specific areas which would assist in more adequately responding to the ICRC in our next quarterly report.

It was the consensus of the Committee that efforts should be made to (1) obtain a definition of classification abuse applicable Government-wide from the ICRC and (2) establish uniformity within the foreign affairs community (Department of State, USIA, AID) where we operate under joint security regulations. In the interim the Committee approved the adoption of the following definitions and administrative actions to be taken:

1. Abuse shall be defined as any improper use or treatment of classification requirements.
2. Abuses will be reported to the ICRC quarterly as required in those instances where administrative action has been taken.
3. Administrative action to be applied to abuses committed within a one-year period may follow the guidelines listed below:

First offense:	Letter of caution
Second offense:	Letter of warning
Third offense:	Letter of reprimand
Fourth offense:	Suspension
Fifth offense:	Removal

A discussion ensued regarding an appeals mechanism appropriate to this penalty system and Mr. Dragon stated he was of the opinion the Agency's established personnel appeals procedures should be followed. The Committee concurred in this judgment.

It was emphasized that the above penalty system was a guideline and not a rigid automatically assessed schedule. It was understood and agreed each infraction involving classification abuses would be adjudicated on its individual